

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**GERALD RUHNOW and CONNIE  
RUHNOW,**

**Plaintiffs,**

**v.**

**LANE HEARD TRUCKING, LLC., et al,**

**Defendants.**

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**CIVIL ACTION NO. 2:05 CV 527-F**

**DEFENDANT LANE HEARD TRUCKING'S  
OBJECTIONS TO DEPOSITION TESTIMONY OF  
DRS. BARBARA LATENSER AND JAMES CROSS**

Defendant Lane Heard Trucking, LLC (“Lane Heard Trucking”), by and through undersigned counsel, hereby submits its objections to Plaintiffs’ Amended Witness and Exhibit Lists, particularly the use of deposition testimony by Drs. Barbara Latenser and James Cross, which plaintiffs have indicated are to be read in their entirety.

**Lane Heard Trucking objects to the following portions of the deposition testimony of Dr. Barbara Latenser:**

1. Page 9, line 3 through page 15, line 1. This objection is based upon the hearsay nature of the testimony and the lack of reliability and confusion with respect to this particular doctor's lack of treatment of this patient and her testimony being based solely on an unclear review of records for which she is less than certain as to their meaning.

2. Page 18, line 8 through page 21, line 6. This objection is based upon the hearsay nature of the testimony and the lack of reliability and confusion with respect to this particular doctor's lack of treatment of this patient and her testimony being based solely on an unclear

review of records for which she is less than certain as to their meaning.

3. Page 22, line 21 through page 23, line 6. This objection is based upon the fact that these are leading questions and statements by counsel with no confirmation or even response by the witness.

4. Page 25, line 10 through page 26, line 5. This objection is based upon the hearsay nature of the testimony and the lack of reliability and confusion with respect to this particular doctor's lack of treatment of this patient and her testimony being based solely on an unclear review of records for which she is less than certain as to their meaning.

5. Page 34, lines 13 through 23. This objection is based upon the fact that this is a leading question by plaintiff's counsel to which the witness is unable to respond.

**Lane Heard Trucking objects to the following portions of the deposition testimony of Dr. James Cross:**

1. Page 19, lines 2 through 20. This objection is based upon the speculative nature of the testimony which represents improper opinion testimony. This is also unduly prejudicial and could confuse the issues as his testimony is not based on his treatment of Mr. Ruhnnow himself.

2. Page 37, lines 15 through 23. This objection is based upon the incorrect nature of the question and testimony elicited that does not take into account Alabama's collateral source rule.

Respectfully submitted,

/s/ J. Burruss Riis

J. BURRUSS RIIS (RIISJ8057)  
KATIE L. HAMMETT (HAMMK7587)  
Attorneys for Defendant,  
Lane Heard Trucking, L.L.C.,  
Email: briis@handarendall.com

OF COUNSEL:  
HAND ARENDALL, L.L.C.  
Post Office Box 123  
Mobile, Alabama 36601  
(251) 432-5511

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of January, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

J. Callen Sparrow, Esq.  
Attorney for Plaintiffs  
HENINGER GARRISON DAVIS, LLC  
2224 First Avenue North  
Birmingham, Alabama 35203  
[jcsparrow@hgdllawfirm.com](mailto:jcsparrow@hgdllawfirm.com)

Richard McConnell (Mac) Freeman, Jr.  
Attorney for Defendant Christy Leann Cl  
Rushton Stakely Johnston & Garrett PC  
PO Box 270  
Montgomery, AL 36101-0270  
[rmf@rsjg.com](mailto:rmf@rsjg.com)

Linda C. Ambrose, Esq.  
Counsel for Northland Insurance Co.  
Rogers & Associates  
3000 Riverchase Galleria, Suite 650  
Birmingham, AL 35244  
[lamrose@spt.com](mailto:lamrose@spt.com)

Alex L. Holtsford, Esq.  
Murry S. Whitt, Esq.  
NIX HOLTSFORD GILLILAND  
HIGGINS & HITSON, PC  
Post Office Box 4128  
Montgomery, Alabama 36103-4128  
[aholtsford@nixholtsford.com](mailto:aholtsford@nixholtsford.com)  
[MWhitt@nixholtsford.com](mailto:MWhitt@nixholtsford.com)

/s/ J. Burruss Riis